



Algeria

Country Reports on Human Rights Practices - [2002](#)

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As constitutional head of state, President Abdelaziz Bouteflika appoints and dismisses the Prime Minister, and may dissolve the legislature. According to the Constitution, the Prime Minister appoints the cabinet ministers; however the President has taken a key role in designating the members of the cabinet. The military establishment strongly influences defense and foreign policy and is largely believed to have influenced the outcome of the 1999 presidential election which had numerous problems associated with it. President Bouteflika, who is not affiliated formally with any party, ends his 5-year term in April 2004. The Government's cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) were poised to win, suspended the country's democratic transition to a pluralist republic and resulted in on-going fighting between the security forces and armed insurgent groups seeking to impose an Islamic state. The ensuing violence resulted in the deaths of approximately 100,000 or more in the last decade. Although the Constitution provides for an independent judiciary, executive branch decrees partially restricted the judiciary's authority.

The Government's security apparatus comprises the army, consisting of ground, naval and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterinsurgency and counter-terrorism operations and were under the control of the Government. Security forces committed serious human rights abuses, although allegations of such abuses continued to decline during the year.

The country confronts many of the challenges that states making the transition from a state-administered to open market economy face. The country had a total population of approximately 31.5 million. The Government launched a large 4-year spending program in 2001 to stimulate the economy and modernize key sectors; however, progress continued to be slow. The Government's draft laws for liberalizing the hydrocarbons sector have stalled due to opposition from labor unions. The hydrocarbons sector was the backbone of the economy, accounting for approximately 60 percent of budget revenues, 26 percent of GDP, and over 95 percent of export earnings. Official estimates placed unemployment at 30 percent; however, as much as 70 percent of the population under the age of 30 were unable to find adequate employment. Despite macroeconomic stability, the delay in the reforms and a non-performing public sector privatization process stunted economic growth.

Despite the decline in security force abuses from prior years, the human rights record remained generally poor, and there continued to be problems with excessive use of force, increased restrictions on freedom of expression, and failure to account for past disappearances. The massacre of civilians by armed terrorist groups also continued. There were significant limitations on citizens' right to change their Government.

While such abuses continued to decline, the security forces committed extra-judicial killings, tortured, beat or otherwise abused detainees, and arbitrarily arrested and detained, or held individuals incommunicado. Most such cases were committed against suspected members of armed groups in the context of the Government's continued battle with terrorism. Security forces also committed serious abuses in connection with riots and demonstrations by the Berbers in the Kabylie region during the spring and summer of 2001. While armed confrontations continued throughout the year, there was a decrease in flagrant abuses committed by security forces. Further infringements occurred this year during the May 30 parliamentary elections and the October 10 local elections, when boycotts, protests, and other demonstrations led to violent confrontations with police, which were often put down with excessive force. Berber activists continued to face arrest, harassment, and detainment at the hands of the Government in the months following local and parliamentary elections.

Security-force involvement in disappearances from previous years remained unresolved. The Government

attempted to improve prison conditions with the assistance of the United Nations Development Program (UNDP). During the year, prisoners died in fires which stemmed from riots protesting prison conditions. Prolonged pretrial detention and lengthy trial delays were problems. Despite reforms in the judicial system, detention beyond the legal limit remained a problem. Defendants' rights to due process, illegal searches, and infringements on citizens' privacy rights also remained problems.

Although there was no overt censorship of information, the Government continued to restrict freedom of speech, press, assembly, association, and movement in varying degrees during the year. The print media was relatively free and the independent press commented regularly and openly and expressed a wide range of views on significant issues such as terrorist violence and surrenders under the amnesty program. However, some elements of the news media practiced self-censorship.

Unlike in the past, when electronic media expressed only government policy, government-controlled radio and television stations presented a variety of views, including those critical of the Government, especially during the violence that took place in the Kabylie region of the country from the spring and summer of 2001 through the end of this year. The Government also placed some restrictions on freedom of religion. Domestic violence against women, the Family Code's limits on women's civil rights and societal discrimination against women remained serious problems. Child abuse was a problem. Although the Government recognized the Amazigh language as a national language, Kabylie ethnic, cultural, and linguistic rights were the objects of demonstrations and riots in the spring of 2001 and remained an undercurrent of the political scene throughout the year, particularly during protests surrounding the parliamentary and local elections. Child labor was a problem.

Armed groups committed numerous serious abuses and killed hundreds of civilians, including infants. While such violence continued to decrease, it did not decrease at the same rate as in 2001. Armed terrorists continued their widespread campaign of insurgency, targeting government officials, families of security-force members, and civilians. The killing of civilians often was the result of rivalry between terrorist groups and to facilitate the theft of goods needed by the armed groups. Violence was also used by terrorist groups to extort money.

Armed groups left bombs in cars, cafes, and markets, which killed and injured indiscriminately. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 1,386 civilians, terrorists, and security force members died during the year in the ongoing domestic turmoil. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the insurgents out of the cities. Algeria was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The security forces committed extra-judicial killings, mostly during clashes with armed terrorist groups. The Government maintained that security forces resorted to lethal force only in the context of armed clashes with terrorists. However, security forces killed 71 civilians this year. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights, and that some disciplinary action was taken during the year. However, the Government did not routinely release specific information regarding punishments of military and security force personnel and no such data was made public this year. The majority of civilian deaths at the hands of security forces occurred this year during protests in and around the Kabylie region.

During riots in late March, a gendarme shot and killed a young man in Chemini, Bejaia. As a result of the rioting that ensued between gendarmes and protestors, there were hundreds of casualties and four persons were critically injured (see Section 1.g.).

In April mass protest marches took place in Kabylie towns to commemorate the first anniversary of high school student Massinissa Guermah's death in custody. Street battles between protesters and riot police resulted in numerous injuries and deaths (see Sections 2.b.).

On August 2, security forces in the east of the country killed 40 terrorists after surrounding their mountain compound for 12 days. Over the course of a 2-week period, security forces in the area of Tizi Ouzou and Bejaia

bombed different camps belonging to the terrorist organization Salifast Group for Preaching and Combat (GSPC) camps using military helicopters in an attempt to capture GSPC leader Hassan Hattab.

In 2001 security forces surrounded for 11 days an abandoned mine used as a stronghold by the terrorist group GSPC calling for the terrorists to surrender. Security forces then used explosive to collapse the mine, which killed 70 persons.

In 2001 Massinissa Guermah, a 19-year-old Amazigh high school student, died in the custody of security forces of gunshot wounds. During the April 2001 demonstrations and riots that ensued in the Kabylie region following Guermah's death, security forces used excessive force, killing at least 45 rioters and demonstrators and injuring hundreds more (see Sections 1.c., 1.d, 2.b, and 5). Press reports have estimated that as many as 80 rioters may have died at the hands of security forces during the riots that continued into the summer. Ten days after Guermah's death, the local gendarmerie issued a statement claiming that the official responsible for the death of Guermah had been court-martialed. The Government appointed two separate commissions to investigate Guermah's death and the violence that followed it. In 2001 the report of one commission, headed by Amazigh jurist Mohand Issaad, found that the security forces version of the death was "not satisfactory," blamed gendarmerie units for using excessive force in putting down the demonstrations, and found that the units did so without orders. The report of the National Assembly Commission, released this year, differed little from the original account of the incident given by security forces. In reaction to the National Assembly report's release, the Government issued financial indemnities to the families of victims and detainees in addition to a proclamation ordering the "draw down" of gendarmes during the year. Both uniformed and civilian clothes police were deployed to minimize tension in the region.

In November 1999, prominent FIS leader Abedlkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. In December 1999, authorities arrested a suspect who had the murder weapon in his possession. In March the suspect, Fouad Boulemia, was found guilty and sentenced to death.

During the year, there continued to be no reports of pro-government militia killing civilians as there had been in the past.

Armed groups targeted both security-force members and civilians. Civilian deaths attributed to terrorists decreased by 30 percent from 2001 totals. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. In other cases, violent reprisals were reportedly taken against those who failed to pay a "tax" to the terrorists. Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately (see Section 1.g.). As well as the use of small bombs, terrorist tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs.

Press reports estimated that approximately 1,386 civilians, terrorists, and security force members died during the year as a result of the ongoing violence, a decrease from the 1,980 who died during the previous year. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the insurgents out of the cities.

On April 24, terrorists associated with GIA targeted two families as they slept in a nomad camp outside of Djelfa, killing 16 persons. Among the victims were nine children and an infant. The sole survivors of the attack reported that the group robbed the families of valuables, food, and a single rifle after the attack. On May 1 six armed terrorists associated with GIA entered the city of Tiaret and proceeded to attack two families using axes and knives. Thirty-one persons were killed and five persons injured during the attack.

At the start of summer, outside Jijel in the wilaya of Chlef, terrorists slit the throats of 23 nomads. After setting fire to two of the tents and a car, the attackers fled, taking with them a 26-year-old woman. Press reports noted on July 3 that over the past 10-day period 80 persons were killed in acts of terrorism across the nation.

On August 15, a terrorist group killed 26 persons in the hamlet of Khodr. The victims included women and 7 children between the ages of 3 and 12 years old.

On November 23, terrorists in the mountains outside Bejaia killed 9 members of the security forces during a nighttime counter-terrorist operation.

Other similar incidents took place during the year and from 1991-2001.

b. Disappearance

There were no credible reports during the year of disappearances in which the security forces were implicated. However, local NGOs reported a new trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family. These "new" disappearances at the hands of security forces often differed in duration and outcome from the disappearances which occurred in the country during the first half of the 1990s that remained unresolved. These incidents remained contrary to the legal procedures stipulated in the country's penal code and its Constitution. There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-90s, many of which involved the security forces. A Ministry of Interior office in each district accepts cases from resident families of those reported missing. Credible sources state that the offices provided little useful information to the families of those who disappeared. During the year, the Government lobbied for internal and international support for a DNA lab and forensics training to assist in the process of identifying human remains in order to update relatives as to the status of the disappeared.

In a press conference held in June, the Director of the National Consultative Commission for the Protection and Promotion of Human Rights publicly admitted that "the issue of the disappeared was the country's greatest weakness and that more should and could be done."

In August a body of a "disappeared" person was discovered buried in a cemetery outside of Algiers. No records were available as to the circumstances under which the body was interred, and the family was unable to receive a certificate listing cause of death, despite repeated requests.

In 2001 the Minister of Interior told the National Assembly that the Ministry had agreed to investigate 4,880 cases of citizens reported "disappeared." The Ministry reported that it provided information to the families in 3,000 of those cases. In 1,600 of the cases, families requested administrative action to obtain death certificates for their missing relatives. There were no reported prosecutions of security-force personnel stemming from these cases, but government officials reported in 2000 that between 350 and 400 security officials had been punished for "human rights abuses." Families of the missing persons, defense attorneys, and local human rights groups insisted that the Government could do more to solve the outstanding cases. The Government asserted that the majority of reported cases of disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals.

The total number of disappeared in the country continues to be debated. Official government estimates asserted publicly that approximately 4,700 persons were missing, while privately some government officials speculate that the total could be as high as 12,000. Local NGOs reported figures of the total number of disappeared closer to 8,000. In September 2000, (AI) reported that since 1994 more than 4,000 persons disappeared after being detained by security forces.

Local NGO sources noted that a few of the persons who disappeared were released from captivity by the security forces, but that there was no public information about these cases, due to the fear of reprisal against those released. Family members and other human rights activists maintained that a number of persons who disappeared were still alive in the hands of security forces. Witness testimony made these assertions credible. However, it remained unclear if the disappeared seen alive during the 1995-1997 period still remain so. Terrorist groups continued to kidnap scores of civilians. In many instances, the victims disappeared, and the families were unable to obtain information about their fate.

There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (see Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Constitution and legislation prohibit torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police at times resorted to torture when interrogating persons including those suspected of being involved with, or having sympathies for, armed insurgency groups.

There continued to be reports of police torture and other abuse of detainees during the year. AI stated that some persons die in custody from torture or were executed. The International Red Cross noted a decrease in incidents of torture and that the severity of such acts diminished. Many victims of torture hesitate to make public such allegations due to fear of government retaliation.

According to AI, in April, after plainclothes agents arrested Tahar Facouli, a shopkeeper from the village of Surcouf, security forces tortured him for his alleged contact with human rights lawyer Rachid Mesli.

Rally for Democratic Culture (RCD) alleged during the course of the year that four of its members and their families were detained and tortured by "persons with professional experience similar to those given government training." Despite appeals to the Government for clarification by year's end, no investigations into this matter had occurred.

In the past, the Interior Ministry and the National Observatory of Human Rights (ONDH) stated publicly that the Government would punish those persons who violated the law and practiced torture. Government officials reported in November 2000 that between 350 and 400 security officials had been punished for human rights abuses, although the Government provided no details regarding the abuses that such officials committed or the punishment that they received. There was no independent mechanism available to verify the Government's claim. The National Observatory for Human Rights was replaced in 2001 by the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDDH).

In response the backlash against security force tactics used to put down riots during the 2001 Black Spring, the Government replaced gendarme units patrolling the Kabylie region this year during the summer and fall elections with members of the local police forces.

Armed altercations between security forces and rioting civilians nonetheless continued this year, sometimes resulting in death. At the writing of this report, gendarme units were deployed again to the Kabylie region.

In 2001 the Government used excessive force in some instances to put down demonstrations and riots throughout the year in the largely Berber Kabylie region. Outdoor demonstrations in the Kabylie region turned violent from April 22 to 28, following the death in security forces' custody of a 19-year-old Berber high school student (see Sections 1.a., 1.c., 2.b., and 5.). Security forces used live ammunition against demonstrators, including against youths throwing stones and molotov cocktails. According to the ministry of the interior, security forces killed 45 protesters and injured 491 within six days in April of 2001. Some of those killed or injured were shot in the back. AI reported in 2001 that press reports indicated that as many as 80 persons were killed in the Kabylie through mid-year. In addition the Government detained a large number of persons for short periods in connection with the violence. AI reported that security forces tortured, beat, and otherwise abused a number of them (see Section 1.d.). Although the Government allowed several subsequent demonstrations to take place, it used force to disrupt several other demonstrations that were held throughout the spring and summer of 2001 and through much of the period covered by this report (see Section 2.b.).

In 2000 the Government announced new laws and policies concerning the Police Judiciaire (PJ), which interrogates suspects when they first are arrested to determine whether there are grounds for prosecution. Local judges now are required to grade the performance of PJ officers operating in their jurisdiction in an effort to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not. These measures remained in effect and the Government adopted them in practice.

In February 2001, following a bombing against a military unit in the area, security forces arrested Said Zaoui and approximately 20 other men in Dellys. The detainees reportedly were tortured and Zaoui reportedly remained in detention.

Police beat protestors while forcibly dispersing several demonstrations during the year and in 2001 (see Section 2.b.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, and dismembering their victims, including infants, children, and pregnant women. These groups also used bombs that killed and injured persons (see Sections 1.a. and 1.g.). Deaths at the hands of armed groups decreased by about 30 percent, from 1,124 in 2001 to 782 during the year (see Sections 1.a).

Prison conditions were spartan, but generally met international standards. A local human rights activist noted that the condition of prisons throughout the country were a result of overcrowding, more than programmed or state-sponsored neglect. Poor medical standards for prisoners received press coverage in October, 6 months after nationwide prison protests. However, the provision of medical treatment remained limited. The media reported there was one doctor for every 300 prisoners. An international NGO noted that the Government continued to improve prison conditions over the past two years. Prisoners generally were found to be in good health and benefited from adequate food and expanded visitation rights. However, prison protests and riots occurred

throughout the summer, fall, and winter of this year, as a result of conditions imposed by overcrowding and poor living conditions, resulting in injuries and numerous deaths.

On April 30, a 19-year-old prisoner at Bab El Djedid Prison in Algiers attempted to kill himself with a broken light bulb. As prison guards attempted to stop the prisoner, a second prisoner in a nearby cell lit a fire in his bed. Nineteen prisoners died and nine others were injured in the ensuing fire. Three days later a revolt began in the same prison, with approximately 60 prisoners climbing onto the roof and threatening to jump.

On May 5, in the prison of Boussouf in Constantine, prisoners lit fire to their sheets and beds. Forty-eight prisoners were injured and four had serious injuries.

In general the Government does not permit independent monitoring of prisons or detention centers outside of programmed visits by the International Committee of the Red Cross (ICRC). The Government allowed ICRC to visit prisons since 1999 and as of October, ICRC had an official presence. Limited monitoring consisted of pre-selected detainees, chosen by the Government, being granted access to and meeting with various international human rights groups. The ICRC did not visit FIS leaders or other political leaders in prison or under house arrest.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens, although such practices have been reported less frequently than in past years.

The 1992 Antiterrorist Law suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made limited use of this law. However, according to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused those who asked for identification (see Section 1.f.).

The Constitution provides that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. However, according to the 1992 Antiterrorist Law, the police may hold suspects in pre-arraignment detention for up to 12 days, although police must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit in terrorist cases and to the 48-hour limit in nonterrorist cases.

The President of CNCPPDDH stated in a press interview in September that he considered "the poor application of legal texts by judges, notably the practice of 'preventive detention' to be the sole reason that the country's entire judicial system continues to be of poor quality." He further stated that the State of Emergency had no room to accommodate human rights, and personally demanded that it be lifted.

In April according to AI, Tahar Facouli was tortured and kept in detention because of his contacts with exiled human rights lawyer Rachid Mesli.

Rally for Democratic Culture (RCD) members lodged a formal complaint to the Ministry of Justice for the 3-day detainment without formal charges of a party member from May 5 through May 8. In October a human rights attorney who had frequently aligned himself with the RCD was beaten by unknown assailants outside of the El Aurassi Hotel. RCD officials alleged that "aspects of the Government" were involved in the attack.

Arouch citizen's movement members Belaid Abrika, Mouloud Chebheb, Mohamed Nekkah, Mahklouf Lyes, Allik Tahar, and Rachid Allouache were arrested and detained while attempting to follow the court proceedings of Kabylie residents arrested during the riots. On October 15, Abrika was charged with inciting violence and held on a four month, renewable basis until his trial. In December he and others began a hunger strike which lasted 42 days to protest their detainment. In contravention of the Penal Code, by year's end, a trial date had not been chosen by the Government (see Section 3).

In April 2001, three students were arrested in two separate incidents in the Kabylie region. One died in custody and the other two subsequently were released. The death in custody precipitated demonstrations and riots in the region throughout the spring and summer and remained an aspect of protests carried out in the region this year (see Sections 1.a., 1.c., 2.b.).

In 2001 the Government detained and released hundreds of persons in connection with the demonstrations and riots that took place in the Kabylie region in the spring and summer following the April death in custody. AI reported

that the police tortured or otherwise abused persons in custody at that time (see Section 1.c.).

Abassi Madani, President of the banned FIS party, who was released from prison in 1997, remained under house arrest and was allowed to receive visits only from members of his family (see Section 2.d.). During the year, Madani made numerous press statements and conducted interviews while under house arrest. Jailed oppositionist and FIS vice president Ali Belhadj, who had been held incommunicado from 1992 until 1998, was allowed contact with members of his family, who spoke to the press on his behalf during the year. Media reports indicated that Government officials also held talks with the FIS in an attempt to gauge public sentiment towards a release of the leaders on humanitarian grounds due to poor health. In early December the Government abandoned plans for his release, according to print media.

Police and communal guards frequently detained persons at checkpoints. There were previously reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. While no reports were received of similar acts this year, 73-year-old El-Hadj M'lik who was arrested in 2000 was questioned concerning his sons, one of whom is believed to be a member of a terrorist group. Security officials reassured the family on two separate occasions that M'lik would be returned to them. However, the Government has released no further information on the case during the year.

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials; however, instances of long-term detention appeared to decrease somewhat during the past year (see Section 1.e.). Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention. Some local human rights activists and NGOs claimed that the Government continued to keep some former prisoners under surveillance and required them to report periodically to police.

Forced exile is not a legal form of punishment and was not known to be practiced. However, numerous cases of self-imposed exile involved former FIS members or persons who maintained that they have been accused falsely of terrorism as punishment for openly criticizing government policies.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, executive branch decrees restricted the judiciary's authority. The Minister of Justice appoints the judges. A judge's term is 10 years. The Government reportedly may remove judges at will. In August 2000, the President announced a massive reorganization of the judiciary. He changed approximately 80 percent of the heads of the 187 lower courts and all but three of the presidents of the 37 higher-level courts. Most of the court heads were reassigned to new locations; however, a number were replaced. The Government sought international technical assistance with the reform of its judiciary over the course of the year, in many instances funded in full by the Government.

The judiciary is composed of the civil courts, which tried cases involving civilians, and the military courts, which have tried civilians on security and terrorism charges. There is also Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional. The Council has nine members: three of the members (including the council president) are appointed by the President; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is elected by the Council of State. Regular criminal courts try those persons accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to decrease somewhat during the year (see Section 1.d.).

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities did not always respect all legal provisions regarding defendants' rights, and continue to deny due process. Some lawyers did not accept cases of defendants accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS suffered harassment, death threats, and arrest.

An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. International human rights groups did not request visits with political prisoners this year; therefore it was unclear whether the Government would permit such organizations to visit political prisoners.

In the days prior to the May legislative elections, President Bouteflika granted amnesty to prisoners serving jail sentences for criminal violations, including four students jailed for throwing rocks at him during a visit to Algiers.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution provides for the inviolability of the home, but authorities frequently infringed on citizens' privacy rights. The state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also entered residences without warrants. According to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused persons who asked for identification.

Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. Credible sources and journalists believe that the Government actively monitored telephone lines of political opponents, journalists, and human rights groups (see Section 4). There were reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender (see Section 1.d.).

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food (see Section 1.a.). After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

g. Use of Excessive Force and Violations of Humanitarian Law

On October 24, during a television interview with French channel LCI broadcast nationally, General Touati, the President's Defense Advisor, stated that the Kabylie region had been "severely repressed." Kabylie Security forces reportedly exhibited excessive force throughout the year in the Kabylie region.

In March gendarme units stationed in Azazga (Tizi Ouzou), El Kseur, and Seddouk abandoned their barracks in the face of widespread protests. Rioters burned barracks buildings, and in retaliation, gendarmes from El Kseur, upon orders from the Government, looted and ransacked shops, threatened bystanders and protesters alike, and attacked many. The death of a man in Seddouk at the hands of security forces sparked off more violent clashes (see Section 1.a.).

Wide-spread protest throughout the Kabylie region during July and August forced 21 gendarmerie brigades to withdraw after a young man was killed when shot in the head by a plastic bullet during riots in Chemini, Bejaia. Amidst the rioting that ensued, casualty figures were in the hundreds and special units of security forces were called in to replace the gendarmes as they withdrew from the region. Anticipating the gendarmes' departure, youths marching on barracks in Mechtras were fired at by gendarmes with rubber bullets and smoke grenades, critically injuring four. Further rioting ensued, which resulted in violent clashes between gendarmes and protesters (see Section 1.a.).

In April 2001, gendarme units used excessive force in response to rioting in the Kabylie region. Gendarme units shot rioters with lethal rounds, not rubber ones, often in the back. A report issued by the government-appointed Issad Commission to investigate the violence, found that the gendarmes acted without orders. The Government claimed that the gendarmes who fired the shots were disciplined. However, no details were provided to the public during the year regarding the specifics of this "disciplinary" action (see Sections 1.a. and 2.b.).

Armed groups continued to be responsible for numerous, indiscriminate killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, which often targeted security force personnel.

On March 17, terrorists left a large home-made bomb which exploded at a post office in Algiers, in which more 20 persons were injured.

On April 20, a nail bomb left at a school in Medea exploded injuring 20. On May 15, a bomb a few meters from the headquarters of the communal guard killed 4 and injured 14. Hidden in a manhole at the entrance of an open-air market in Tazmalt, the blast was timed to kill countless more had it not been for poor craftsmanship.

On July 5, a market bomb in Larbaa killed 38 and injured 82. As in the past, such random lethal terrorist attacks occurred throughout the year (see Section 1.a.).

On October 12, terrorists set up a false roadblock outside of Boumia. Dressed as communal guards, a vehicle traveling from Algiers was detained that contained six persons. Four civilians were robbed of their valuables; the terrorists shot and killed the two police officers traveling with the group.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech; however, the Government restricted this right in practice. A 1990 law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were enforced throughout the year, and in some instances appeared to target specific media organizations and their staff. The number of independent press publications prosecuted or fined for reporting on security matters increased from the previous year.

While the law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom, in practice the existence of such a did little to curb reporting by the independent press. However, members of the press acknowledged the economic strains placed on the print media as a result of the 2001 amendment.

In 2001 the Government enacted broad amendments to the Penal Code that imposed high fines and prison terms of up to 24 months for defamation or "insult" of government figures, including the President, Members of Parliament, judges, members of the military and "any other authority of public order." At least six prosecutions occurred under the 2001 amendment to the Penal Code by year's end.

The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remained in force.

In general journalists exercised self-censorship by not publishing criticism of specific senior military officials, although throughout the year, the press widely criticized current and retired military officers.

In February two journalists were brought before the court and censured for reporting on security force tactics used against terrorists in mountainous areas. A television journalist with National Radio and Television (RTN) was refused accreditation without explanation and barred from covering October's local elections. Despite inquiries on his behalf by RTN and other interested parties, the grounds of the refusal were not made public.

For example, in August media criticism of military spending forced General Lamari to appear at a press conference, brandishing his pay slip in defense of his salary. Media criticism of the military and its leadership reached a groundswell during the Government sponsored "Colloquium on Terrorism" on October 26-28.

On October 22, the editors of three major newspapers El-Watan, Liberte, and le Matin, were brought to court to respond to charges brought against them by the Ministry of Defense under the 2001 Amendment. The El-Watan editor was charged with "allowing" a journalist on his staff to write a libelous article about the son-in-law of Colonel Boussis, a prominent retired colonel.

During the fall, the Ministry of Communication and Culture proposed a pilot study to have fledgling newspapers screened by the Ministry of the Interior and Ministry of Justice, as opposed to the Ministry of Communication and Culture as provided for under the current law. Journalists raised concerns that should the pilot study be promulgated into law, journalists' freedom of expression will be constrained and monitored by the Ministry of the Interior under the guise of national security. By year's end, the pilot study was implemented.

In July 2001, Fawzia Ababsah, managing editor of the French-language daily newspaper, L'Authentique, was tried in absentia and sentenced to 6 months in prison for defamation of Secretary General Mahmoudi of the Finance Confederation (a union of financial workers). Under the law, a person tried in absentia has the right to "oppose" any such decision and have the case reheard at the same level. Ababsah stated that she intended to oppose the finding in her case.

According to a 1994 inter-ministerial decree, independent newspapers can print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). However, independent newspapers openly ignored the directive, and the trend toward increased openness about security-force activities continued during the year. The Government continued to provide the press with more information than in the past about the security situation. The government-controlled press reported on terrorism in an

increasingly straightforward and accurate manner. Unlike in previous years, when journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, the independent press reported openly on abuses by the gendarmerie during the recent violence in the Kabylie region in 2001 and the violence surrounding this year's elections (see Sections 1.a., 1.c., 1.d., 2.b., and 5). There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

Other than El Moujahid, which is the official government newspaper and reflects the FLN party's views, there were no newspapers owned by political parties, although Liberte, L'Expression, L'Autentique, and El-Borhane continued to report from an ideological perspective. Many parties, including legal Islamist political parties, had access to the independent press, in which they expressed their views without government interference. Opposition parties also disseminated information via the Internet and in comuniques.

In 2001 two independent newspapers (El Watan and Al-Khabbar) began to print in a privately run printing plant with privately obtained newsprint. This ended the Government's monopoly on printing companies and newsprint imports. However, most independent newspapers continued to rely on the Government for printing and paper imports. There was no overt use of the Government's power to halt newspaper publications during the year. However, an administrative notice was disseminated throughout the ministries in March announcing that four newspapers that were highly critical of the Government, Liberte, Le Matin, Le Soir, and El -Youm, would no longer be distributed to ministry offices.

The Government continued to exercise pressure on the independent press through the state-owned advertising company. All state-owned companies that wished to place an advertisement in a newspaper had to submit the item to the advertising company, which then decided in which newspapers to place it. In an economy in which state companies' output and government services still represented approximately two-thirds of national income, government-provided advertising constituted a significant source of advertising revenue for the country's newspapers. Advertising companies tended to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers had large readerships or offered cheap advertising rates.

Radio and television remained under government control, with coverage favoring the Government's policies. Satellite-dish antennas were widespread, and millions of citizens had access to European and Middle Eastern broadcasting.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return during the year. A growing number of academic seminars and colloquiums occurred without governmental interference, including a conference on Kabylie language and culture in October. In May 2001, a forum on Judicial Reform was sponsored by Freedom House, which enjoyed wide press coverage.

University students staged numerous small strikes early in the year in support of the protests in Kabylie. In April a student strike in Algiers shut down two universities. Launched to protest the arrest of over 500 persons in the Kabylie region during riots staged throughout the year, the universities remained closed for four days. The Government did not interfere in any political or economic seminars, as it had in the past.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the 1992 Emergency Law and government practice sharply curtailed this right. Citizens and organizations must obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach.

On December 10, supporters of Arouch detainees attempted a protest in Algiers. Security forces increased their presence and government roadblocks along the road leading from Tizi Ouzou to Algiers, and security was heightened throughout the capital. Approximately fifty persons were arrested as police and security forces put down the 300 - person protest. In December a commune on the outskirts of Tizi Ouzou in the Kabylie banned public demonstrations.

In response to the backlash against security force tactics used to put down riots in Spring 2001, the Government replaced gendarme units patrolling the Kabylie region this year during the summer and fall elections with members of the local police forces. Armed altercations between security forces and rioting civilians nonetheless continued this year, frequently resulting in death.

In October gendarme units were deployed again to the Kabylie region in the days surrounding the local elections to quell anticipated civil unrest.

In spring 2001, the Government used excessive force in some instances to put down demonstrations and riots in the largely Berber Kabylie region. More than 50 persons were killed, hundreds were injured, and a large number of persons were detained for short periods in connection with the violence. AI reported that security forces tortured, beat, and otherwise abused a number of them (see Sections 1.a., 1.c., 1.d., and 5).

Although the Government allowed several subsequent demonstrations to take place, it used force to disrupt several other demonstrations that were held throughout the spring and summer of 2001 and during the year (see Section 2.b.).

After the April 2001 violence, the Government permitted some demonstrations (most of them unsanctioned) to take place. The largest political demonstration to take place in Algiers since 1998 concluded peacefully in early May 2001, in which more than 20,000 persons marched in protest of government actions in quelling unrest in the Kabylie region.

However, the Government at times used force to disperse demonstrations that became violent. In late May 2001, as many as 20,000 demonstrators marched in Algiers with the tacit approval of the Government. Security forces used tear gas and water cannons to break up the demonstrations when 600 to 700 protestors became violent, throwing stones at police. One month later, the Government dispersed a march of more than 250,000 protesters after small groups of marchers became violent, with tear gas and water cannons. Some protesters burned and destroyed property, looting a police station, a bus depot, stores, and businesses. In response, the Government announced a ban on demonstrations in the capital which remained in effect.

Some other unlicensed groups continued to be active, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings during the year.

In November 2001, security forces in Constantine disrupted a demonstration by family members of persons who had disappeared. When the crowd of approximately 100 persons arrived at the town hall for the weekly demonstration, they were met by security forces who demanded that they disperse. When the demonstrators refused to leave, security forces forcibly dispersed them, reportedly using truncheons. One person was injured.

The Constitution provides for the right of association; however, the 1992 Emergency Law and government practice severely restricted it. The Interior Ministry must approve all political parties before they may be established (see Section 3). In October President Bouteflika announced that the Government would consider dissolving parties that received less than 5 percent of the vote during the local elections. The Interior Minister confirmed the Government's intention to promulgate such a decree, despite it being in violation of the Constitution.

In 2000 the Government refused to approve the Wafa Party on the grounds that many of its members had belonged to the outlawed FIS. The Government closed the Party's offices in November 2000. The Front Democratique, headed by former Prime Minister Sid Ahmed Ghazali, applied for registration in May 2000, but received no response within the time period specified by law for governmental decision on such cases (see Section 3). In March 2001, the Interior Minister stated that the information in the party's application was too vague and that the Ministry was in the process of gathering the information it needed to make a decision. The Front Democratique remained unlicensed throughout the year.

Domestic NGOs must be licensed by the Government and the Interior Ministry regarded all associations as illegal unless they had licenses. Domestic NGOs were prohibited from receiving funding from abroad. The Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it (see Section 3). Membership in the FIS remained illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group. Some unlicensed groups operated openly.

c. Freedom of Religion

The Constitution prohibits discrimination based on religious belief and the Government generally respected this right in practice; however, there were some restrictions. Although the Constitution declares Islam to be the state religion and the law limited the practice of other faiths; however, the Government followed a de facto policy of

tolerance by not inquiring into the religious practices of individuals.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, Roman Catholic churches, including a cathedral in Algiers (the seat of the Archbishop), conducted services without government interference. There were only a few smaller churches and other places of worship; non-Muslims usually congregated in private homes for religious services.

Since Islam is the state religion, the country's education system is structured to benefit Muslims. Education is free to all citizens below the age of 16, and the study of Islam is a strict requirement in the public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs.

The Government monitored activities in mosques for possible security-related offenses and bars their use as public meeting places outside of regular prayer hours. The Ministry of Religious Affairs provided financial support to mosques and has limited control over the training of imams. The Ministry of Religious Affairs frequently appointed selected imams to mosques throughout the country, and by law is allowed to pre-screen religious sermons before they are delivered publicly. In practice, while the Government frequently reviewed sermons, the press reported that mosques supplanted government-appointed imams with those that hold views more closely aligned to the sentiments of each mosque's adherents. The Ministry of Religious Affairs publicly discussed its intention to create a government-run school for the training of imams, charged with ensuring that all imams are of the highest educational caliber and present messages in line with government guidelines in place to stem religious fanaticism. However, no school was established.

Amendments to the Penal Code in 2001 specify prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. "Persons (including imams recognized by the Government) were prohibited from speaking out during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." There were no reported cases in which the Government invoked the new amendments by year's end.

Conversions from Islam to other religions were rare. Islam does not recognize conversion to other faiths at any age. However, the Constitution's provisions concerning freedom of religion prohibit any Government sanction against conversion. Because of safety concerns and potential legal and social problems, Muslim converts practiced their new faith clandestinely. Non-Islamic proselytizing is illegal, and the Government restricted the importation of non-Islamic religious literature for widespread distribution, although not for personal use. Non-Islamic religious texts and music and video selections no longer were difficult to locate for purchase. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The country's 11-year civil conflict has pitted self-proclaimed radical Muslims against the general Islamic population. Self-proclaimed "Islamists," or religious extremists issued public threats against all "infidels" in the country, both foreigners and citizens, and killed both Muslims and non-Muslims, including missionaries. The majority of the country's terrorist groups did not, as a rule, differentiate between religious and political killings.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricted these rights. The Government did not allow foreign travel by senior officials of the banned FIS. FIS President Abassi Madani, who was released from prison in 1997, remained under house arrest (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those persons with special family circumstances.

The Family Code does not permit married females less than 19 years of age to travel abroad without their husband's permission, although this provision generally was not followed in practice (see Section 5).

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricted travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers were located, in order to enhance security in those areas.

The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints.

Armed groups intercepted citizens at roadblocks, often using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (see Section 1.a.).

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum and cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 2001 the Government provided first asylum to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees.

The country also hosts an estimated 5,000 Palestinian refugees, most of whom no longer require international assistance. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government; however, there are limitations to this right in practice (see Section 2.b.). The military's continued influence in government matters constrained citizens from exercising this right to the fullest possible extent. However, the situation continued to improve, although factors such as voter distrust and apathy, and boycotts in the Kabylie region underscored continuing problems in the arena of transparent governance. The strong prerogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, inhibited citizens from exercising this right.

President Bouteflika was elected in an April 1999 presidential election that was seriously flawed by the withdrawal 1 day before the election of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign was conducted fairly, with all candidates widely covered in both state-owned and private media. The conduct of the campaign--although regulated as to the use of languages other than Arabic, and as to the timing, location, and duration of meetings--was free, and all candidates traveled extensively throughout the country. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that he had participated in the country's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was difficult to make an accurate determination of turnout for the election; although it apparently was as low as 30 percent, the Government claimed a 60 percent turnout. The next presidential election is scheduled for April 2004.

The withdrawal of six presidential candidates in 1999 amidst credible charges of fraud, and the election of President Bouteflika, highlighted the continued dominance of the military elite in the process of selecting the country's political leadership. This dominance was reportedly not as prevalent in parliamentary and local elections.

During the year, a new electoral law was implemented, with the oversight of the majority of the country's political parties, to remedy problems in the existing election laws that permitted the Government to remove candidates from party lists for "security" reasons. Elections observers noted that those selected for removal were more frequently from Islamic parties, questioning why a judge and a professor at the national military academy could hold the positions they do, yet be considered a national security threat when running for political office.

On May 30, the country held its second round of multi-party parliamentary elections since 1992. The elections were regarded as free and fair, although not problem-free. Candidates representing 23 political parties participated, along with several independent candidates.

FLN took control of the National Popular Assembly after an 11-year absence from power. It more than tripled its number of seats in the 389-seat parliament, securing 199 seats in total. Two conservative Islamic parties, Islah and Movement of the Society for Peace (MSP) share control of 81 seats, the second largest bloc in the governing body. The Kabylie-based Rally Democratic Culture (RCD) boycotted the vote, and urged supporters to support its contention that the election was an outright sham.

Voter turnout of 46 percent was the lowest since the country's independence. Problems were reported by credible

sources at some polling stations, notably ballot envelopes filled with positive votes for the FLN. The Kabylie region launched a sometimes violently enforced boycott to protest the lack of transparency, increased corruption, and overt discrimination against Amazigh parties and candidates, successfully limiting the vote to 15 percent in some regions and 7 percent in Tizi Ouzou. In response to the protagonists of the boycott's use of force to block voting from occurring in the region while the boycott was in place, the Minister of the Interior publicly stated prior to the elections that votes would be cast in all voting locations.

Local elections on October 10 saw further boycotts by residents in the Kabylie region, with many protests leading to violent confrontations with the police. On October 5, the Arouch Citizen's Movement organized a general strike in order to reject the upcoming local elections. Riots and confrontations with security forces ensued, of which many were violent. Police arrested and detained Arouch (Berber political movement) leader Belaid Abrika, his attorneys, and other leaders of the "Movement of Citizens" while attempting to follow the court proceedings of Kabylie residents arrested during the riots. On October 15, Abrika was charged with inciting violence and held on a 4 month renewable basis until his trial (see Section 1.d.). Strikes, sit-ins, and demonstrations around the Court of Justice in Tizi Ouzou protested the arrests and continued throughout the remainder of the year.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament is not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

Since 1997 the law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. Two parties, Wafa and Front Democratique, have failed to receive registration. In October President Bouteflika announced that the Government would consider dissolving parties that received less than 5 percent of the vote during the local elections. The Interior Minister confirmed the Government's intention to promulgate such a decree, despite it being in violation of the Constitution. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and are engaged in activities that ranged from holding rallies to issuing communiqués. The Government continued to ban the FIS as a political party (see Section 2.b.). In 2001 the Interior Minister stated that the information in the Front Democratique's application for recognition, which was filed in May 2000, was too vague, and that the Ministry was in the process of gathering the information it needed to make a decision. The party's application remained pending at year's end. With the exception of the FLN and the formerly governing National Democratic Rally (RND), political parties sometimes encountered difficulties with local officials who hindered their organizational efforts such as access to public venues and permits for assembly. While opposition parties' access to state-controlled electronic media remained limited, opposition party leaders increasingly were permitted to represent their views on television and on the radio, even those views directly critical of the Government. This year, for the elections, there was an equal division of air time for political parties. Televised parliamentary debates aired uncensored and allowed all parties access to the electronic media. The independent press also publicized their views.

The new Cabinet, named in June, had five female members. Twenty four of the 389 members of the lower house of Parliament are women. The upper house had seven female members. This was an increase of 45 percent and 14 percent respectively, from last year. The spokesperson for the Benflis Government was a woman. During both sets of the elections that occurred this year, female candidates could be found on the top tiers of lists; this remained true for both RND and the Islamic-leaning party of Islah. In September 1999, President Bouteflika appointed the first female provincial governor. A woman headed the Workers' Party, and all the major political parties except one had women's divisions headed by women.

The ethnic Berber minority of about 9 million centered in the Kabylie region participated freely and actively in the political process in the past. However, Berber protests and boycotts surrounding the May and October elections underscored the economic and social neglect felt by many in this community, which made up nearly one third of the overall population. From April 2001 through the remainder of the year, the Berber held a series of demonstrations, some violent; security forces in some instances put down violent demonstrations with excessive force (see Sections 1.a., 1.c., 1.d., and 2.b.).

Two major opposition parties originated in the Berber-populated region of the country: the Socialist Forces Front

and the Rally for Culture and Democracy. These two parties represented Amazigh political and cultural concerns in the Parliament and the media. The two Berber-based parties were required to conform with the 1997 changes to the Electoral Law that stipulated that political parties must have at least 25 founders from across the country. Both parties dropped out of parliament in protest of human rights violations in the Kabylie region earlier in the year.

The Touaregs, a people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the South and along the border regions where they remained the dominant ethnic group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The most active independent human rights group was the Algerian League for the Defense of Human Rights (LADDH), an independent organization that had members throughout the country. The LADDH was not permitted access to government officials for human rights and advocacy or research purposes, or to prisons, except as under the normal consultations allowed between a lawyer and a client. The less active Algerian League for Human Rights (LADH) was an independent organization based in Constantine. The LADH had members throughout the country who followed individual cases. Human rights groups reported occasional harassment by government authorities in the form of obvious surveillance and monitoring of telephone service (see Section 1.f.).

The Government allowed visits by international NGOs since loosening its ban on such visits prior to 2000. Monitoring trips have occurred at the invitation of the Government and the majority of groups were allowed to move about freely. During the year, Human Rights Watch (HRW), International Red Cross/Red Crescent (ICRC), and Reporters without Borders have all been allowed to visit the country. Although an Amnesty Algeria office was established in Algiers in 1999, AI was not permitted access to the country since November of 2000. The organization also claimed that the Government was staging demonstrations opposing 2000 AI visit. Freedom House, after criticizing the Government in late December for continued human rights abuses, also incurred visa difficulties. In 2001 the Rights Consortium, a combined effort of Freedom House, the International Center for Journalists, and the American Bar Association, visited the country in January, February, and May.

Doctors Without Borders requested visas to visit the Kabylie region in June of 2001. Their requests were denied because the Government maintained that the country's medical system was sufficient to handle the demand for medical care. The Government had not responded positively to requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture and the U.N. Special Rapporteur on Extrajudicial Executions. However, the UN Rapporteur on the Freedom of Religion was allowed to visit the country in September.

The National Observatory for Human Rights (ONDH) was established by the Government in 1992 to report human rights violations to the authorities; however, in February President Bouteflika announced the creation of a new Human Rights Commission to replace the ONDH and the national Human Rights Ombudsman. The new National Consultative Commission for the Protection and Promotion of Human Rights was formally established in October 2001. The Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGOs. The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat (which the Government says will be "independent") come from his office. The Commission reports on human rights issues, coordinates with police and justice officials, advocates domestic and international human rights causes, mediates between the Government and the population, and providing expertise on human rights issues to the Government. Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive in-kind donations. Some unlicensed NGOs operated openly.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continued to face legal and social discrimination.

Women

Women's rights advocates assert that spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. There are no specific laws against spousal rape. Rape is illegal, and in principle a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for

rape, and were no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently were reluctant to endure this process. There were few facilities offering safe haven for abused women. Two prominent associations for women that have received recognition by the government and international community in the country are SOS Femme en Detresse and SOS Femme Batus. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources.

During the year, extremists sometimes specifically targeted women. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year. One rape crisis center specializes in caring for women who are victims of rape by terrorists (see Sections 1.b., 6.c., and 6.f.). In July 2001, a group of young men raided a shantytown area near the oil town of Hassi - Messaoud, raping and seriously wounding dozens of single women who lived there. The violence was incited by an imam who accused the women of prostitution and questioned why they were working while men in the town were unemployed.

Also in July a similar attack took place in the area of Tebessa, a trading center east of Algiers. Trials were held for both incidents this year, with prison sentences meted out in each case.

Prostitution for economic reasons was a growing problem, despite being prohibited by law.

A cabinet level position for the Female Condition and Family was established during the year. However, no changes were made in the family code. Some aspects of the law and many traditional social practices discriminated against women. The 1984 Family Code, which was based in large part on Shari'a, treated women as minors under the legal guardianship of a husband or male relative. Under the family code Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Divorce was difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtained the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying non-Muslims; Muslim men may marry non-Muslim women.

The Family Code also affirmed the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffered from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women did not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 19 years of age may not travel abroad without their husbands' permission (see Section 2.d.). Women may take out business loans and use their own financial resources.

In its 2000 report, the International Labor Organization (ILO) Committee of Experts (COE) noted that the Government stated that, despite equality between men and women in law and regulation, in practice women still were confronted with discrimination in employment resulting from societal stereotypes. Leaders of women's organizations reported that discriminatory violations were common. Labor Ministry inspectors did little to enforce the law.

Social pressure against women pursuing higher education or a career was much stronger in rural areas than in major urban areas. Over the past 2 years, women made up more than half of the university student population. Women constituted only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to men's careers. About 25 percent of judges were women, a percentage that has been growing in recent years. President Bouteflika's changes to the judiciary in 2001 increased the number of courts headed by women. Whereas women previously only headed a few courts, women at year's end headed 26 (see Section 1.e.).

There were numerous women's rights groups, although the size of individual groups was small. Their main goals

were to foster women's economic welfare and to amend aspects of the Family Code.

Children

The Government provides free education for children through the university system. More than 85 percent of children completed the ninth grade. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out for financial reasons in rural areas. The girls were then sent to vocational training schools deemed more practical for their economic situation.

The Government provided free medical care for all citizens-albeit in often rudimentary facilities. The Ministry of Youth and Sports had programs for children, but such programs faced serious funding problem.

Child abuse was a problem. However, a system for reporting actual or suspected child abuse existed nationwide in the country's school systems. Hospitals treat numerous child-abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited an increase in domestic violence aimed at children, which they attributed to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Children often were the victims of terrorist attacks.

Economic necessity compelled many children to resort to informal employment, such as street vending (see Section 6.d.).

Persons with Disabilities

The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided for payments for orthopedic equipment, and some NGOs received limited government financial support.

National/Racial/Ethnic Minorities

The Amazigh are an ethnic minority centered in the Kabylie region. Amazigh nationalists sought to maintain their own cultural and linguistic identity in the face of the Government's continued Arabization program. Despite a declaration by President Bouteflika in 1999 stating that Amazigh would never be a recognized language, in April the Government recognized Amazigh as a national language. The law requires that Arabic be the official language for use in official documents. Two Government television stations had a regular news program in Amazigh, and one of the Government radio stations broadcasted entirely in that language. As part of the national charter signed in 1996, the Government and several major political parties agreed that the Amazigh culture and language were major political components of the country's identity. There were professorships in Amazigh culture at the University of Tizi Ouzou. Amazighs held influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the hydro-carbon rich South and along the border regions where they remained the dominant ethnic group.

Section 6 Worker Rights

a. The Right of Association

Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union.

About two-thirds of the labor force belonged to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national unions that are specialized by sector. There are also several autonomous unions.

The 1990 law on labor unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but

without success. The CSA continued to function without official status.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining for all unions, and the Government permitted this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

Under states of emergency, on-going since the Government was empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

Despite a law in effect requiring all public demonstrations, protests, and strikes to receive government authorization prior to commencement, "unauthorized" strikes and gatherings occurred throughout the year with retaliation by the Government or security forces. The 2001 ban on marches in the capital of Algiers remained in effect.

During the year, the ILO Committee of Experts requested the Government to take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government claimed that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

A 3-month nationwide strike for higher wages by university professors was resolved in September, having been preceded by a 2-day strike in February. A strike begun in May by the Federation of Educational Workers (FNTE) was not resolved by year's end. On October 22, health sector workers protested poor working conditions and insufficient wages. The media reported on plans for strikes within the courts of the capital, strikes by labor unions, and further strikes within municipality buildings organized by the Arouch.

In October members of the Arouch Citizen's Movement organized strikes within municipal buildings to protest the arrest of Citizen Movement Members and supporters as they tried to monitor the trials of Kabylie detainees (see Section 1.a.). A "Youth Strike" ricocheted across the country throughout August and September protesting economic disenfranchisement and dwindling employment opportunities.

The Government established an export-processing zone in Jijel. Workers in the Export Processing Zone have the same rights as other workers in the country.

c. Prohibition of Forced or Bonded Labor

Forced or bonded labor is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children. While the Government generally enforced the ban effectively, armed terrorist groups reportedly kidnaped young women and girls, and held them captive for weeks at a time, during which group members raped them and forced them into servitude (see Sections 1.b., 5, and 6.f.).

The ILO's Committee of Experts noted in 2000 that the law that requires persons who have completed a course of higher education or training to perform a period of service of between 2 and 4 years in order to obtain employment or work in an occupation, was not compatible with relevant ILO conventions dealing with forced labor. The

Committee stated that it had been urging the Government for many years to cease imposing prison labor to rehabilitate persons convicted for expressing certain political views.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in October 2001 that approximately 5 percent of children worked in some capacity. There was no child labor reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment (see Section 5).

e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixed by decree a monthly minimum wage for all sectors; however, this was not sufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, their enforcement was inconsistent.

The standard workweek was 37.5 hours. Workers who worked beyond the standard workweek received premium pay on a sliding scale from "time and a half" to "double time," depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts. The high demand for employment in the country, however, gave the advantage to employers seeking to exploit employees.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (see Sections 1.b., 5, and 6.c.).